THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.10006 OF 2007

Dated 16-05-2007

Between:

M.Pochaiah and three others .... Petitioners

and

The Government of Andhra Pradesh
Rep. by its Principal Secretary
And two others … Respondents

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.10006 OF 2007

O R D E R:

This writ petition is filed to declare the action of respondent Nos.2 and 3 in suspending the petitioners from the functioning of the second respondent-Municipal Council by resolution No.2, dated 11-04-2007, and the consequential proceedings, dated 11-04-2007, issued by the third respondent as *ultra vires* of the Andhra Pradesh Municipalities Act, 1965 (for short "the Act").

Heard both sides.

It is not in dispute that under Section 51(5) of the Act, the Chairperson can suspend a Councillor for a period not exceeding three months. But in the present case, the third respondent suspended the petitioners for a period of six months, which is clearly in violation of Section 51(5) of the Act.

In this view of the matter, the writ petition is allowed and the impugned orders are set aside. However, this order will not preclude the respondents in passing appropriate orders in accordance with law. No order as to costs.

K.C.Bhanu, J

Dated 16th May, 2007

vrn/skm